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SP01-235#6<sup>94</sup>  
election  
7.21.04

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: CHEN, GANG (PAUL) et al.

Serial No: 09/932,221

Art Group Unit: 2633

Filing Date: 8/17/2001

Examiner: Chau M. Nguyen

Title: TUNABLE, RECONFIGURABLE  
OPTICAL ADD-DROP MULTIPLEXER  
AND A SWITCHING DEVICE

RESPONSE

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JUL 13 2004

Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT****Elections/Restrictions**

In the Office Action dated 6/9/2004, designated as Paper No. 5 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

Group I. Claims 1-8, drawn to the add/drop multiplexer, classified in class 398, subclass 83; and

Group II. Claims 9-17 and 18-19, drawn to a structure of tunable switching device and switching method, classified in class 398, subclass 45.

The Examiner asserted that these inventions may be regarded as distinct from one another because they are related "as subcombinations disclosed as usable together in a single combination."

Accordingly, Applicants elects to prosecute the claims of Group II (i.e., claims 9-17 and 18-19), without traverse.

**Drawings**

Applicants have ordered formal drawings and will forward them to the Examiner upon their receipt.

**Conclusion**

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Svetlana Z. Short at 607-974-0412.

Respectfully submitted,

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Date: 7/6/04

**CERTIFICATE OF MAILING UNDER 37 C.F.R.**

§ 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

7/6/04  
*Svetlana Shf*  
Svetlana Z. Short, Signature